

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE GOOGLE INC. COOKIE PLACEMENT CONSUMER PRIVACY LITIGATION)
This Document Relates To:)
ALL ACTIONS)
CASE NO. 12-MD-2358 (SLR)

SUPPLEMENTAL ORDER REGARDING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

WHEREAS, on October 7, 2012 this Court issued its order (D.I. 120) Preliminarily Approving the Class Action Settlement between plaintiffs and defendant Point Roll; and

WHEREAS, on October 9, 2013 this Court issued its order (D.I. 121, 122) granting the other three defendants' motions to dismiss; and

WHEREAS, the settling parties suspended publication of notice of the settlement pending resolution of the inquiry concerning continuing Article III subject matter jurisdiction;

IT IS HEREBY ORDERED THAT:

1. The Court confirms that it retains subject matter jurisdiction over the Point Roll settlement, and, that its Memorandum and Order granting the Motion to Dismiss with respect to the other defendants does not eliminate the Court's continued jurisdiction to approve the Point Roll settlement.

2. The schedule for the final approval hearing is modified as follows:

a. A hearing on final settlement approval (the "Final Approval Hearing") will be held on _____, at _____ before this Court, at the United States District Court for the District of Delaware, 844 North King Street, Wilmington, Delaware

19801, to consider, *inter alia*, the following: (a) the adequacy of the Class Representatives and whether the Settlement Class should be finally certified; (b) the fairness, reasonableness, and adequacy of the Class Settlement; (c) the dismissal with prejudice of the Action as to PointRoll; (d) whether Class Counsel's application for attorneys' fees, expenses, and compensation for the Class Representatives (the "Fee Petition") should be granted; and (e) whether to finally approve the Agreement.

b. On or before _____, Class Counsel shall file with the Court:

(i) any memoranda or other materials in support of final approval of the Agreement and Class Settlement; and (ii) any Fee Petition.

c. Any Settlement Class Member may appear at the Final Approval Hearing in person or by counsel and may be heard, to the extent allowed by the Court, either in support of or in opposition to the fairness, reasonableness and adequacy of the Class Settlement, the dismissal with prejudice of PointRoll, the entry of final judgment as to PointRoll, and/or the Fee Petition; provided, however, that no person shall be heard in opposition to the Class Settlement, dismissal and/or entry of final judgment or the Fee Petition, and no papers or briefs submitted by or on behalf of any such person shall be accepted or considered by the Court, unless filed with the Court and served upon counsel listed below in Paragraph 12 on or before _____. Such person must (a) file with the Clerk of Court a notice of such person's intention to appear as well as a statement that indicates the basis for such person's opposition and any documentation in support of such opposition on or before _____, and (b) serve copies of such notice, statement, and documentation, as well as any other papers or briefs that such person files with the Court, either in person or by mail, upon all counsel listed below in

Paragraph 12 on or before _____. Settlement Class Members who object in the manner and by the dates provided herein shall be subject to the jurisdiction of this Court. Settlement Class Members who fail to object in the manner and by the dates provided herein shall be deemed to have waived and shall forever be foreclosed from raising any such objections.

d. Any Settlement Class Member may hire an attorney at his or her or its own expense to appear in the action. Such attorney shall serve a Notice of Appearance on the Counsel listed in Paragraph 12 above by _____, and file it with the Court on or before _____.

3. In all other respects the Court's October 7, 2013 Order (D. I. 120) shall remain in effect.

Date: _____

Hon. Sue L. Robinson
United States District Judge